

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 4

DOCKET NO.: 2005-2046-PWS-E TCEQ ID: RN104103247 CASE NO.: 27649

RESPONDENT NAME: GUSS LINES DBA LINES CACTUS GROVE MOBILE HOME PARK

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 2408 West Highway 90, Alpine, Brewster County</p> <p>TYPE OF OPERATION: public water system</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 11, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="padding-left: 20px;">TCEQ Attorney: Mr. Robert Mosley, Litigation Division, MC 175, (512) 239-0627 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019</p> <p style="padding-left: 20px;">TCEQ Enforcement Coordinator: Ms. Rebecca Clauswitz, Water Enforcement Section, MC R-13, (210) 403-4012</p> <p style="padding-left: 20px;">TCEQ Regional Contact: Mr. Terry McMillan, El Paso Regional Office, MC R-6, (915) 834-4953</p> <p style="padding-left: 20px;">Respondent: Mr. Guss Lines, Owner, 2408 West Highway 90, Alpine, Texas 79830</p> <p style="padding-left: 20px;">Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: October 22, 2005 (Investigation); November 1, 2005, and December 14, 2005 (Record Reviews)</p> <p>Date of NOEs Relating to this Case: November 28, and December 9, 2005</p> <p>Background Facts: The case was referred to the Litigation Division on May 9, 2006. An EDPRP was filed on June 28, 2006. The Respondent received notice of the EDPRP on July 11, 2006, as evidenced by the signature on the return receipt "green card." The Respondent has not filed an answer or requested a hearing.</p> <p>PWS:</p> <p>1. Failed to operate the disinfection equipment to maintain a minimum free chlorine residual of 0.2 milligrams per liter (mg/L) in each finished water storage tank and throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.46(d)(2)(A)].</p> <p>2. Failed to adopt an adequate plumbing ordinance, regulations or service agreement with provisions for proper enforcement to ensure that neither cross connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].</p> <p>3. Failed to operate the system under direct supervision of a certified water works operator at all times [30 TEX. ADMIN. CODE § 290.46(e)].</p> <p>4. Failed to provide sanitary control easements for well number one and well number two [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p>	<p>Total Assessed: \$6,813</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$6,813</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty, but will be required to do so under the terms of the Order.</p> <p>Site Compliance History Classification N/A</p> <p>Person Compliance History Classification N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Technical Requirements</p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Within 10 days:</p> <p>a. Commence operating the water system's chlorination facilities to maintain a free chlorine residual of 0.2 mg/L throughout the distribution system at all times; and</p> <p>b. Begin collecting bacteriological samples at the required frequency based on the population served by the system.</p> <p>2. Within 30 days:</p> <p>a. Submit payment for all outstanding fees, including any associated penalties and interest;</p> <p>b. Commence operating the Facility under the direct supervision of an adequately trained and licensed water works operator;</p> <p>c. Seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound and provide each well with a screened casing vent;</p> <p>d. Provide an intruder-resistant fence or lockable buildings around the well site and the pressure tank;</p> <p>e. Begin maintaining an up-to-date chemical and microbiological monitoring plan;</p> <p>f. Provide an up-to-date distribution map showing all valves and cut-offs;</p> <p>g. Post a legible sign with the name of the water supply and an emergency telephone number at each production, treatment and storage facility; and</p> <p>h. Conduct annual inspections of the pressure tanks.</p> <p>3. Within 60 days:</p> <p>a. Ensure that all electrical wiring at the well sites have been enclosed and securely mounted in a conduit;</p>

5. Failed to provide well number one and well number two with a casing that extends a minimum of eighteen inches above the elevation of the finished floor of the pump room or natural surface, a concrete sealing block extending at least three feet from the well casing in all directions, and a screened casing vent which is faced downward and elevated so as to minimize the drawing of contaminants into the well. Additionally, the Respondent failed to seal the wellhead with gaskets or pliable crack resistant caulking on well number one [30 TEX. ADMIN. CODE § 290.41(c)(3)(B), (c)(3)(J) and (c)(3)(K)].

6. Failed to install all water system electrical wiring in compliance with local or national electrical codes [30 TEX. ADMIN. CODE § 290.46(v)].

7. Failed to provide suitable sampling taps on the discharge lines for well number one and well number two to facilitate the collection of samples for chemical and bacteriological analysis directly from the well [TEX. ADMIN. CODE § 290.41(c)(3)(M)].

8. Failed to install a flow meter on each well pump discharge line to provide water usage records and to assist in more efficient system operation [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].

9. Failed to protect all water wells in a lockable building designed to prevent intruder access or enclose all water wells with intruder resistant fencing with lockable gates [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].

10. Failed to develop a public water system siting and monitoring plan and failed to maintain a map of the distribution system so that valves and mains may be easily located during emergencies [30 TEX. ADMIN. CODE §§ 290.121(a) and 290.46(n)(2)].

11. Failed to post a legible sign at each production, treatment and storage facility by each community system [30 TEX. ADMIN. CODE § 290.46(t)].

12. Failed to keep on file and make available for Commission review accurate and up to date as-built plans or records, drawings and specifications for each treatment plant, pump station and storage tank and failed to make available for review copies of well completion data for the wells [30 TEX. ADMIN. CODE § 290.46(n)(1) and (n)(3)].

- b. Provide a raw water sampling tap for all wells;
- c. Install flow measuring devices on each well;
- d. Adopt an adequate service agreement which provides provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted;
- e. Install a well casing eighteen inches above the finished floor on each well; and
- f. Provide each well with a concrete sealing block extending at least three feet from the exterior well casing in all directions.

4. Within 90 days:

- a. Prepare and submit to the TCEQ "as-built" plans and specifications describing the existing facilities as well as a proposed modifications. These plans and specifications shall be prepared by a Texas Registered professional engineer and shall be maintained as a part of the Facility's records;
- b. Maintain on file and submit a copy of the well completion data for all wells; and
- c. Provide sanitary control easements for the wells.

5. Within 180 days, provide adequate pressure tank capacity of 50 gallons per connection.

6. Within 195 days, submit written certification to demonstrate compliance with these Ordering Provisions.

13. Failed to conduct an annual inspection of the pressure tanks [30 TEX. ADMIN. CODE § 290.46(m)(1)].

14. Failed to provide a pressure tank capacity of 50 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(E)(ii)].

15. Failed to collect and submit monthly water samples for bacteriological analysis for the months of July, August, September, and October 2005, and failed to provide public notification of the failure to collect the water samples for the months of July, August, September and October 2005 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A), and Tex. Health & Safety Code § 341.033(d)].

16. Failed to pay the Public Health Service Fee for fiscal year 2005 for TCEQ Financial Administration Account No. 90220038 [30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702].



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned	05-Dec-2005	Screening	14-Dec-2005	EPA Due	01-Aug-2006
	PCW	12-Dec-2005				

RESPONDENT/FACILITY INFORMATION

Respondent	Guss Lines dba Lines Cactus Grove Mobile Home Park		
Reg. Ent. Ref. No.	RN104103247		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	27649	No. of Violations	16
Docket No.	2005-2046-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Amanda King-Zrubek
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)Subtotal 1 **\$5,450****ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **25% Enhancement** Subtotals 2, 3, & 7 **\$1,363**

Notes: The respondent has been issued five Notice of Violation (NOV) letters for same or similar violations within the past five years.

Culpability **No** **0% Enhancement** Subtotal 4 **\$0**

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** Subtotal 5 **\$0**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The respondent is not yet in compliance.

Economic Benefit **0% Enhancement*** Subtotal 6 **\$0**

Total EB Amounts	\$2,943
Approx. Cost of Compliance	\$25,475

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7Final Subtotal **\$6,813****OTHER FACTORS AS JUSTICE MAY REQUIRE**Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount **\$6,813****STATUTORY LIMIT ADJUSTMENT**Final Assessed Penalty **\$6,813****DEFERRAL****0% Reduction** Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY**\$6,813**

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	N/A	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	N/A	0%
	Participation in a voluntary pollution reduction program	N/A	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	N/A	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History Notes

The respondent has been issued five Notice of Violation (NOV) letters for same or similar violations within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number

1

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.46(d)(2)(A)

Secondary Rule Cite(s)

Violation Description

Failure to operate the disinfection equipment to maintain a minimum free chlorine residual of 0.2 milligrams per liter (mg/L) in each finished water storage tank and throughout the distribution system at all times. Specifically, field tests conducted during the investigation revealed chlorine residuals of 0.0 mg/L and 0.05 mg/L.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	

Matrix Notes Failure to ensure proper disinfection of raw water may allow bacteria or other organisms to exist in the drinking water and may result in contaminated water being distributed to the public resulting in illness.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$250

One single event is recommended based on the sampling date, October 22, 2005, that documented the violation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$52

Violation Final Penalty Total \$313

This violation Final Assessed Penalty (adjusted for limits) \$313

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
Case ID No. 27649
Reg. Ent. Reference No. RN104103247
Media [Statute] Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	22-Oct-2005	22-Jul-2006	0.7	\$2	\$50	\$52
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair or replace the disinfection equipment in order to operate the water system's chlorination facilities so as to maintain a minimum residual disinfectant concentration of 0.2 mg/L free chlorine within the distribution system. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$1,000**

TOTAL **\$52**

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number 2

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.46(i)

Secondary Rule Cite(s)

Violation Description

Failure to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, at the time of the investigation, it was documented that the water system did not have any service agreements on file.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended based on the investigation conducted on October 22, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
Case ID No. 27649
Reg. Ent. Reference No. RN104103247
Media [Statute] Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	17-Dec-2003	10-Sep-2006	2.7	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost to adopt an adequate plumbing ordinance or service agreement. The date required is the date the violation was documented in a previous investigation. The final date is the estimated date of compliance.

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$14

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number 3

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.46(e)

Secondary Rule Cite(s)

Violation Description

Failure to operate the system under the direct supervision of a certified water works operator at all times. Specifically, at the time of the investigation, the facility did not employ a licensed operator.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential	x			

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
						Percent

Matrix Notes

Failure to operate the system under the direct supervision of an adequately trained and appropriately licensed water works operator may result in poor plant operation and expose the public to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended based on the investigation conducted on October 22, 2005 through the screening date of December 14, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,326

Violation Final Penalty Total \$625

This violation Final Assessed Penalty (adjusted for limits) \$625

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
Case ID No. 27649
Reg. Ent. Reference No. RN104103247
Media [Statute] Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$10,000	17-Dec-2003	11-Aug-2006	2.7	\$1,326	n/a	\$1,326

Notes for DELAYED costs

Estimated cost to hire a qualified plant operator. The date required is the date the violation was documented in a previous investigation. The final date is the estimated date of compliance.

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$1,326

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number 4

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(1)(F)

Secondary Rule Cite(s)

Violation Description

Failure to provide sanitary control easements for well numbers one and two. Specifically, at the time of the investigation, the facility failed to make available sanitary control easements for well numbers one and two.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			X	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent
Matrix Notes	Failure to provide a sanitary control easement for the groundwater source could result in the exposure of an insignificant amount of contaminants which would not exceed levels that are protective of human health and the environment.				

Adjustment -\$950

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

Two single events (one for each well) are recommended based on the investigation conducted on October 22, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$70

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
Case ID No. 27649
Reg. Ent. Reference No. RN104103247
Media [Statute] Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	17-Dec-2003	10-Oct-2006	2.8	\$70	n/a	\$70
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to obtain a sanitary control easement or exception. The date required is the date the violation was documented in a previous investigation. The final date is the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$500**

TOTAL **\$70**

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number 5

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 290.41(c)(3)(B), (c)(3)(J), and (c)(3)(K)

Secondary Rule Cite(s)

Violation Description

Failure to provide well numbers one and two with the following: a casing that extends a minimum of eighteen inches above the elevation of the finished floor of the pump room or natural ground surface, a concrete sealing block extending at least three feet from the well casing in all directions and a screened casing vent, which is faced downward and elevated so as to minimize the drawing of contaminants into the well. Also, failed to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound for well number one.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Human health or the environment could be exposed to a significant amount of contaminants that exceed levels that are protective of human health or the environment.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 4

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

Four monthly events are recommended (two for each well) from the investigation conducted on October 22, 2005 through the screening date of December 14, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$557

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
Case ID No. 27649
Reg. Ent. Reference No. RN104103247
Media [Statute] Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item	Item	Date	Final	Yrs	Interest	Onetime	EB
Description	Cost	Required	Date		Saved	Costs	Amount
	No commas or \$						

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$3,000	17-Dec-2003	11-Aug-2006	2.7	\$27	\$530	\$557
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide the required well casing, a concrete sealing block that extends at least three feet from the exterior well casing in all directions, and to seal the wellhead and provide a screened casing vent. The date required is the date the violation was documented during a previous investigation. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$3,000

TOTAL \$557

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number 6

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.46(v)

Secondary Rule Cite(s)

Violation Description

Failure to install all water system electrical wiring in compliance with local or national electrical codes.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$100

One quarterly event is recommended based on the investigation conducted on October 22, 2005 through the screening date of December 14, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
Case ID No. 27649
Reg. Ent. Reference No. RN104103247
Media [Statute] Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$400	22-Oct-2005	10-Sep-2006	0.9	\$1	\$24	\$25
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to securely install the electrical wiring in compliance with local or national electrical codes. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$400**

TOTAL **\$25**

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number 7

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(M)

Secondary Rule Cite(s)

Violation Description

Failure to provide a suitable sampling tap on the discharge lines for well numbers one and two to facilitate the collection of samples for chemical and bacteriological analysis directly from the well.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm		
Release		Major	Moderate	Minor
OR	Actual			
	Potential	X		

Percent 25%

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Failure to have a sampling tap on each well may allow contaminants to go undetected resulting in the exposure of the distribution system to significant amounts of pollutants which would exceed levels protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$500

Two single events (one for each well) are recommended based on the investigation conducted on October 22, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$31

Violation Final Penalty Total \$625

This violation Final Assessed Penalty (adjusted for limits) \$625

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
Case ID No. 27649
Reg. Ent. Reference No. RN104103247
Media [Statute] Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$500	22-Oct-2005	10-Sep-2006	0.9	\$1	\$29	\$31
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of providing a sample tap for each well. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$31

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number 8

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(N)

Secondary Rule Cite(s)

Violation Description

Failure to install a flow meter on each well pump discharge line to provide water usage records and to assist in more efficient system operation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			X	

OR

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Failure to provide a flow meter can contribute to an inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply.

Adjustment -\$950

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

Two single events (one for each well) are recommended based on the investigation conducted on October 22, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
 Case ID No. 27649
 Reg. Ent. Reference No. RN104103247
 Media [Statute] Public Water Supply
 Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment	\$225	22-Oct-2005	10-Sep-2006	0.9	\$1	\$13	\$14
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide a flow meter for each well. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$225

TOTAL \$14

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number 9

30 Tex. Admin. Code § 290.41(c)(3)(O)

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failure to protect all water wells in a lockable building that is designed to prevent intruder access or enclosed by an intruder resistant fence with lockable gates. Specifically, at the time of the investigation, well number two was not protected by an intruder-resistant fence or a locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Not providing proper intruder-resistant protection for the water wells could expose the public to a significant amount of pollutants which would exceed levels that are protective of human health or the environment.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended based on the investigation conducted on October 22, 2005 through the screening date of December 14, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$278

Violation Final Penalty Total \$625

This violation Final Assessed Penalty (adjusted for limits) \$625

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
Case ID No. 27649
Reg. Ent. Reference No. RN104103247
Media [Statute] Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,500	17-Dec-2003	11-Aug-2006	2.7	\$13	\$265	\$278
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to build the intruder-resistant fence. The date required is the date the violation was documented in a previous investigation. The final date is the estimated date of compliance.

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$1,500**

TOTAL **\$278**

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number 10

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 290.121(a) and 290.46(n)(2)

Secondary Rule Cite(s)

Violation Description

Failure to develop a public water system siting and monitoring plan and maintain a map of the distribution system so that valves and mains may be easily located during emergencies.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended based on the investigation conducted on October 22, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
Case ID No. 27649
Reg. Ent. Reference No. RN104103247
Media [Statute] Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	22-Oct-2005	11-Aug-2006	0.8	\$10	n/a	\$10

Notes for DELAYED costs

The estimated cost to develop and implement a monitoring plan and maintain an up-to-date distribution map of the water system. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$250**

TOTAL **\$10**

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number 11

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.46(t)

Secondary Rule Cite(s)

Violation Description

Failure to post a legible sign at each production, treatment, and storage facility by each community system.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended based on the investigation conducted on October 22, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
Case ID No. 27649
Reg. Ent. Reference No. RN104103247
Media [Statute] Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	22-Oct-2005	11-Aug-2006	0.8	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to post a legible system ownership sign at the well site. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$2

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number 12

30 Tex. Admin. Code §§ 290.46(n)(1) and (n)(3)

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failed to keep on file and make available for commission review accurate and up-to-date as-built plans or records, drawings and specifications for each treatment plant, pump station and storage tank and failed to make available for review copies of well completion data for the wells.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
	X			Percent 10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended based on the investigation conducted on October 22, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$338

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
Case ID No. 27649
Reg. Ent. Reference No. RN104103247
Media [Statute] Public Water Supply
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$5,000	22-Oct-2005	10-Oct-2006	1.0	\$16	\$322	\$338
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit "as-built" plans for the water system and provide well completion data for each well. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$338

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number 13

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(1)

Secondary Rule Cite(s)

Violation Description

Failure to conduct an annual inspection of the pressure tanks.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm		
Release		Major	Moderate	Minor
OR	Actual			
	Potential	X		

Percent 25%

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor

Percent

Matrix Notes Failure to inspect the pressure tanks at least annually could result in tank failure and compromise the system's ability to provide water which could result in a significant amount of contaminants exceeding levels protective of human health being distributed for human consumption.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 2

		daily
mark only one use a small x	monthly	
	quarterly	
	semiannual	
	annual	X
	single event	

Violation Base Penalty \$500

Two annual events are recommended based on failing to inspect two pressure tanks in the 12 months preceding the investigation conducted on October 22, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$625

This violation Final Assessed Penalty (adjusted for limits) \$625

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
Case ID No. 27649
Reg. Ent. Reference No. RN104103247
Media [Statute] Public Water Supply
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$200	22-Oct-2004	11-Aug-2006	1.8	\$18	n/a	\$18
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct an annual tank inspection for two pressure tanks. The date required is the twelve months preceding the investigation date. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$18

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number 14

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(E)(ii)

Secondary Rule Cite(s)

Violation Description

Failure to provide a pressure tank capacity of 50 gallons per connection. Specifically, at the time of the investigation, the pressure tank storage provided was 180 gallons. Based on the number of connections, the system is required to provide a total storage capacity of 2,000 gallons.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent	
Matrix Notes	Inadequate pressure tank capacity (91% deficient) could result in water outages and back flow problems and may allow a significant amount of contaminants to enter the water supply which could exceed levels that are protective of human health.				

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended based on the investigation conducted on October 22, 2005 through the screening date of December 14, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$170

Violation Final Penalty Total \$625

This violation Final Assessed Penalty (adjusted for limits) \$625

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
Case ID No. 27649
Reg. Ent. Reference No. RN104103247
Media [Statute] Public Water Supply
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment	\$2,000	22-Oct-2005	08-Jan-2007	1.2	\$8	\$162	\$170
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide adequate pressure tank capacity. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,000

TOTAL \$170

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number 15

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 341.033(d)

Violation Description

Failure to collect and submit monthly water samples for bacteriological analysis for the months of July, August, September, and October 2005 and failure to provide public notification for the failure to collect water samples for the months of July, August, September, and October 2005.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Harm			
Release	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Failure to sample may allow undetected contaminants to be distributed to the public resulting in illness.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 4

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

Four monthly events are recommended based on the months that the respondent failed to collect and submit the required water samples and post public notice.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
 Case ID No. 27649
 Reg. Ent. Reference No. RN104103247
 Media [Statute] Public Water Supply
 Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	------------------------------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$750	31-Jul-2005	22-Jul-2006	1.0	\$37	n/a	\$37
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to collect and submit monthly water samples for bacteriological analysis and provide public notification. Date required is the date when the first sample was due and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$750**

TOTAL \$37

Screening Date 14-Dec-2005

Docket No. 2005-2046-PWS-E

PCW

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 27649

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104103247

Media [Statute] Public Water Supply

Enf. Coordinator Amanda King-Zrubek

Violation Number 16

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.51(a)(3) and Tex. Water Code § 5.702

Secondary Rule Cite(s)

Violation Description

Failure to pay the Public Health Service Fee for fiscal year 2005 (TCEQ Financial Administration Account No. 90220038).

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes No administrative penalty is recommended because the penalty and interest will be assessed at the next billing.

Adjustment -\$1,000

Base Penalty Subtotal \$0

Violation Events

Number of Violation Events

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent Guss Lines dba Lines Cactus Grove Mobile Home Park
Case ID No. 27649
Reg. Ent. Reference No. RN104103247
Media [Statute] Public Water Supply
Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	N/A						

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs	N/A						

Approx. Cost of Compliance \$0

TOTAL \$0

Compliance History

Customer/Respondent/Owner-Operator:	CN602540684	LINES, GUSS	Classification:	Rating:
Regulated Entity:	RN104103247	LINES CACTUS GROVE MHP	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0220038	
Location:	2408 W HIGHWAY 90, BREWSTER COUNTY			
TCEQ Region:	REGION 06 - EL PASO			
Date Compliance History Prepared:	January 06, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 06, 2001 to January 06, 2006			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Amanda King-Zrubek		Phone:	(512) 239-0824

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 10/31/2005 | (439886) |
| 2 | 10/24/2005 | (439780) |
| 3 | 11/30/2005 | (438242) |
| 4 | 01/30/2004 | (259828) |
| 5 | 10/03/2005 | (439884) |
| 6 | 12/15/2005 | (439936) |
| 7 | 12/01/2005 | (439894) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | | |
|--------------|--|----------|-----------------|----------|
| Date: | 10/31/2005 | (439886) | Classification: | Moderate |
| Self Report? | NO | | | |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THC Chapter 341, SubChapter A 341.033(d) | | | |
| Description: | Failure to collect any routine monitoring samples in 09/2005. | | | |
| Self Report? | NO | | | |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) | | | |
| Description: | Failure to post a PN for not collecting any routine monitoring samples in 09/2005. | | | |
| Date: | 10/24/2005 | (439780) | Classification: | Moderate |
| Self Report? | NO | | | |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THC Chapter 341, SubChapter A 341.033(d) | | | |
| Description: | Failure to collect any routine monitoring samples in 07/2005. | | | |
| Self Report? | NO | | | |

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: Failure to post a PN for not collecting any routine monitoring samples in 07/2005.
 Date: 12/01/2005 (439894) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 5A THC Chapter 341, SubChapter A 341.033(d)
 Description: Failure to collect any routine monitoring samples in 10/2005.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: Failure to post a PN for not collecting any routine monitoring samples in 10/2005.
 Date: 10/03/2005 (439884) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 5A THC Chapter 341, SubChapter A 341.033(d)
 Description: Failure to collect any routine monitoring samples in 08/2005.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: Failure to post a PN for not collecting any routine monitoring samples in 08/2005.
 Date: 01/30/2004 (259828) Classification: Minor
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(3)(C)(i)
 30 TAC Chapter 290, SubChapter F 290.110(d)(3)(C)(ii)
 30 TAC Chapter 290, SubChapter F 290.110(d)(4)(C)(i)
 30 TAC Chapter 290, SubChapter F 290.110(d)(4)(C)(ii)
 Description: Failure to possess a chlorine test kit which uses the DPD method to determine the free chlorine residual at various locations to ensure the proper chlorine residual is being maintained throughout the distribution system.
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(A)
 Description: Failure to provide mechanical chlorination equipment to provide continuous disinfection of all water, as per agency's requirements.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)
 Description: Failure to maintain a service agreement between the regulated entity and each water customer.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)[G]
 Description: Failure to be under the direct supervision of a certified water works operator at all times. A valid certificate of competency issued under the direction of the Texas Commission on Environmental Quality is required.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 Description: Failure to make available sanitary control easements for wells #1 and 2, at the time of inspection.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
 30 TAC Chapter 290, SubChapter D 290.41(c)(4)(D)
 30 TAC Chapter 290, SubChapter D 290.41(d)(3)(C)
 Description: Failure to provide each well with a concrete sealing block extending at least 3 feet from the exterior well casing in all directions.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)
 30 TAC Chapter 290, SubChapter D 290.41(c)(4)(A)
 30 TAC Chapter 290, SubChapter D 290.41(d)(3)[G]
 Description: Failure to provide a well casing 18 inches above the elevation of the finished floor of the pump house or natural ground surface with a minimum of one inch above the sealing block or pump motor foundation block.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
 30 TAC Chapter 290, SubChapter D 290.41(c)(4)(B)

	30 TAC Chapter 290, SubChapter D 290.41(c)(4)(E) 30 TAC Chapter 290, SubChapter D 290.41(d)(3)[G]	
Description:	At well #1, failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound.	Classification: Minor
Self Report? NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K) 30 TAC Chapter 290, SubChapter D 290.41(c)(4)(B) 30 TAC Chapter 290, SubChapter D 290.41(d)(3)(F)	
Description:	Failure to provide each well with a screened casing vent.	Classification: Minor
Self Report? NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)	
Description:	Failure to install all water system electrical wiring in a securely mounted conduit in compliance with a local or national electrical code.	Classification: Minor
Self Report? NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M) 30 TAC Chapter 290, SubChapter D 290.41(c)(4)(D) 30 TAC Chapter 290, SubChapter D 290.41(d)(4)	
Description:	Failure to provide a suitable sampling tap on each well discharge to facilitate the collection of samples for chemical and bacteriological analysis directly from the well.	Classification: Minor
Self Report? NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N) 30 TAC Chapter 290, SubChapter D 290.41(c)(4)(D) 30 TAC Chapter 290, SubChapter D 290.41(d)(4)	
Description:	Failure to install a flow meter on each well pump discharge line to provide water usage records and to assist in more efficient system operation.	Classification: Moderate
Self Report? NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.38(25) 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O) 30 TAC Chapter 290, SubChapter D 290.41(d)(4)	
Description:	Failure to protect the well #2 with an intruder-resistant fence or a locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers.	Classification: Minor
Self Report? NO		
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(1)[G] 30 TAC Chapter 290, SubChapter F 290.121[G]	
Description:	Failure to develop a public water system monitoring plan.	Classification: Moderate
Self Report? NO		
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(iii)	
Description:	Failure to submit at least 1 sample of water collected from different locations in the distribution system regularly each month to a Texas Department of Health Laboratory for bacteriological analysis as required by this agency's Drinking Water Standards.	Classification: Minor
Self Report? NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)	
Description:	Failure to prepare and maintain a map of the distribution system so that valves and mains may be easily located during emergencies.	Classification: Minor
Self Report? NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(t)	
Description:	Failure to post a legible sign at each of its production, treatment, and storage facilities by each community system.	Classification: Minor
Self Report? NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A) 30 TAC Chapter 290, SubChapter D 290.46(n)(3)	
Description:	Failure to submit well completion data on wells #1 and 2 for our review and approval.	Classification: Minor
Self Report? NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii) 30 TAC Chapter 290, SubChapter D 290.46(f)[G] 30 TAC Chapter 290, SubChapter D 290.46(m)(1)	
Description:	Failure to inspect the pressure tanks.	Classification: Moderate
Self Report? NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)	

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iv)
 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)
 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iv)
 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(E)(ii)
 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(F)(iv)
 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(G)
 30 TAC Chapter 290, SubChapter D 290.45(c)(1)(A)(ii)
 30 TAC Chapter 290, SubChapter D 290.45(c)(1)(B)(iv)
 30 TAC Chapter 290, SubChapter D 290.45(c)(2)(F)
 30 TAC Chapter 290, SubChapter D 290.45(d)(1)
 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)
 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)
 30 TAC Chapter 290, SubChapter D 290.45(d)(3)(F)
 30 TAC Chapter 290, SubChapter D 290.45(e)(3)
 30 TAC Chapter 290, SubChapter D 290.45(f)(6)
 30 TAC Chapter 290, SubChapter D 290.45(g)(2)[G]

Description: Failure to meet this Agency's "Minimum Water System Capacity Requirements." These requirements include a pressure tank capacity of 50 gallons per connection.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(A)
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(B)
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(C)
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(D)
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(E)
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(F)
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(G)
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(H)

Description: Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems so that "as-built" plans and specifications of your water system can be prepared and submitted for our review.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all distribution system lines and related appurtenances in a watertight condition.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF
AN ENFORCEMENT ACTION
AGAINST GUSS LINES DBA
LINES CACTUS GROVE MOBILE
HOME PARK;
RN104103247**

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§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2005-2046-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 5 and TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Guss Lines dba Lines Cactus Grove Mobile Home Park ("Mr. Lines").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Mr. Lines owns and operates a public water system located at 2408 West Highway 90, Alpine, Brewster County, Texas (the "Facility").
2. The Facility has 40 service connections and serves at least 25 people per day for at least 60 days per year.
3. During an inspection conducted on October 22, 2005, a TCEQ El Paso Regional Office investigator documented that Mr. Lines:
 - a. Failed to operate the disinfection equipment to maintain a minimum free chlorine residual of 0.2 milligrams per liter (mg/L) in each finished water storage tank and throughout the distribution system at all times;
 - b. Failed to adopt an adequate plumbing ordinance, regulations or service agreement with provisions for proper enforcement to ensure that neither cross connections nor other unacceptable plumbing practices are permitted;

- c. Failed to operate the system under direct supervision of a certified water works operator at all times;
- d. Failed to provide sanitary control easements for well number one and well number two;
- e. Failed to provide well number one and well number two with a casing that extends a minimum of eighteen inches above the elevation of the finished floor of the pump room or natural surface, a concrete sealing block extending at least three feet from the well casing in all directions and a screened casing vent, which is faced downward and elevated so as to minimize the drawing of contaminants into the well. Additionally, Mr. Lines failed to seal the wellhead with the gaskets or pliable crack-resistant caulking on well number one;
- f. Failed to install all water system electrical wiring in compliance with local or national electrical codes;
- g. Failed to provide suitable sampling taps on the discharge lines for well number one and well number two to facilitate the collection of samples for chemical and bacteriological analysis directly from the well;
- h. Failed to install a flow meter on each well pump discharge line to provide water usage records and to assist in more efficient system operation;
- i. Failed to protect all water wells in a lockable building designed to prevent intruder access or enclose all water wells with intruder resistant fencing with lockable gates;
- j. Failed to develop a public water system siting and monitoring plan and failed to maintain a map of the distribution system so that valves and mains may be easily located during emergencies;
- k. Failed to post a legible sign at each production, treatment and storage facility by each community system;
- l. Failed to keep on file and make available for Commission review accurate and up to date as-built plans or records, drawings and specifications for each treatment plant, pump station and storage tank and failed to make available for review copies of well completion data for the wells;

- m. Failed to conduct an annual inspection of the pressure tanks; and
 - n. Failed to provide a pressure tank capacity of 50 gallons per connection.
4. During a record review conducted on November 1, 2005, a TCEQ Central Office investigator documented that Mr. Lines failed to collect and submit monthly water samples for bacteriological analysis for the months of July, August, September and October 2005 and failed to provide public notification of the failure to collect the water samples for the months July, August, September and October 2005.
 5. During a record review conducted on December 14, 2005, a TCEQ Central Office Investigator documented that Mr. Lines failed to pay the Public Health Service Fee for fiscal year 2005, TCEQ Financial Administration Account No. 90220038.
 6. Mr. Lines received notices of the violations on or about December 3, 2005 and December 12, 2005.
 7. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Guss Lines dba Lines Cactus Grove Mobile Home Park" (the "EDPRP") in the TCEQ Chief Clerk's office on June 28, 2006.
 8. By letter dated June 28, 2006, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Lines with notice of the EDPRP. According to the return receipt "green card", Mr. Lines received notice of the EDPRP on July 11, 2006, as evidenced by the signature on the card.
 9. More than 20 days have elapsed since Mr. Lines received notice of the EDPRP, provided by the Executive Director. Mr. Lines failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Lines is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Mr. Lines failed to operate the disinfection equipment to maintain a minimum free chlorine residual of 0.2 milligrams per liter (mg/L) in

each finished water storage tank and throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.46(d)(2)(A).

3. As evidenced by Finding of Fact No. 3.b., Mr. Lines failed to adopt an adequate plumbing ordinance, regulations or service agreement with provisions for proper enforcement to ensure that neither cross connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i).
4. As evidenced by Finding of Fact No. 3.c., Mr. Lines failed to operate the system under direct supervision of a certified water works operator at all times; in violation of 30 TEX. ADMIN. CODE § 290.46(e).
5. As evidenced by Finding of Fact No. 3.d., Mr. Lines failed to provide sanitary control easements for well number one and well number two, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
6. As evidenced by Finding of Fact No. 3.e., Mr. Lines failed to provide well number one and well number two with a casing that extends a minimum of eighteen inches above the elevation of the finished floor of the pump room or natural surface, a concrete sealing block extending at least three feet from the well casing in all directions and a screened casing vent, which is faced downward and elevated so as to minimize the drawing of contaminants into the well. Additionally, Mr. Lines failed to seal the wellhead with the gaskets or pliable crack-resistant caulking on well number one, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(B), (c)(3)(J) and (c)(3)(K).
7. As evidenced by Finding of Fact No. 3.f., Mr. Lines failed to install all water system electrical wiring in compliance with local or national electrical codes, in violation of 30 TEX. ADMIN. CODE § 290.46(v).
8. As evidenced by Finding of Fact No. 3.g., Mr. Lines failed to provide suitable sampling taps on the discharge lines for well number one and well number two to facilitate the collection of samples for chemical and bacteriological analysis directly from the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M).
9. As evidenced by Finding of Fact No. 3.h., Mr. Lines failed to install a flow meter on each well pump discharge line to provide water usage records and to assist in more efficient system operation, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N).

10. As evidenced by Finding of Fact No. 3.i., Mr. Lines failed to protect all water wells in a lockable building designed to prevent intruder access or enclose all water wells with intruder resistant fencing with lockable gates, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O).
11. As evidenced by Finding of Fact No. 3.j., Mr. Lines failed to develop a public water system siting and monitoring plan and failed to maintain a map of the distribution system so that valves and mains may be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE §§ 290.121(a) and 290.46(n)(2).
12. As evidenced by Finding of Fact No. 3.k., Mr. Lines failed to post a legible sign at each production, treatment and storage facility by each community system, in violation of 30 TEX. ADMIN. CODE § 290.46(t).
13. As evidenced by Finding of Fact No. 3.l., Mr. Lines failed to keep on file and make available for Commission review accurate and up to date as-built plans or records, drawings and specifications for each treatment plant, pump station and storage tank and failed to make available for review copies of well completion data for the wells, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1) and (n)(3).
14. As evidenced by Finding of Fact No. 3.m., Mr. Lines failed to conduct an annual inspection of the pressure tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1).
15. As evidenced by Finding of Fact No. 3.n., Mr. Lines failed to provide a pressure tank capacity of 50 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(E)(ii).
16. As evidenced by Finding of Fact No. 4, Mr. Lines failed to collect and submit monthly water samples for bacteriological analysis for the months of July, August, September and October 2005 and failed to provide public notification of the failure to collect the water samples for the months July, August, September and October 2005, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.033(d).
17. As evidenced by Finding of Fact No. 5, Mr. Lines failed to pay the Public Health Service Fee for fiscal year 2005, TCEQ Financial Administration Account No. 90220038, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702.
18. As evidenced by Finding of Fact Nos. 7 and 8, the Executive Director has timely served Mr. Lines with proper notice of the EDPRP; as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).

19. As evidenced by Finding of Fact No. 9, Mr. Lines has failed to file a timely answer to the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. Lines and assess the penalty recommended by the Executive Director.
20. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Lines for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
21. An administrative penalty in the amount of six thousand eight hundred thirteen dollars (\$6,813.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b).
22. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. Lines is assessed an administrative penalty in the amount of six thousand eight hundred thirteen dollars (\$6,813.00) for violations of TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and rules of the TCEQ. The payment of this administrative penalty and Mr. Lines's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Guss Lines dba Lines Cactus Grove Mobile Home Park; Docket No. 2005-2046-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Mr. Lines shall undertake the following technical requirements:

- a. Within 10 days after the effective date of this Order, Mr. Lines shall:
 - i. Commence operating the water system's chlorination facilities to maintain a free chlorine residual of 0.2 mg/L throughout the distribution system at all times, as required by 30 TEX. ADMIN. CODE § 290.46;
 - ii. Begin collecting bacteriological samples at the required frequency based on the population served by the system, as required by 30 TEX. ADMIN. CODE § 290.109;
- b. Within 30 days after the effective date of this Order, Mr. Lines shall:
 - i. Submit payment for all outstanding fees, including any associated penalties and interest with the notation, "Re: Lines Cactus Grove Mobile Home Park, Financial Administration Account No. 90220038" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- ii. Commence operating the Facility under the direct supervision of an adequately trained and licensed water works operator, as required by 30 TEX. ADMIN. CODE § 290.46;
- iii. Seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound and provide each well with a screened casing vent, as required by 30 TEX. ADMIN. CODE § 290.41;
- iv. Provide an intruder-resistant fence or lockable buildings around the well site and the pressure tank, as required by 30 TEX. ADMIN. CODE § 290.41;

- v. Begin maintaining an up-to-date chemical and microbiological monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.121;
 - vi. Provide an up-to-date distribution map showing all valves and cut-offs, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - vii. Post a legible sign with the name of the water supply and an emergency telephone number at each production, treatment and storage facility, as required by 30 TEX. ADMIN. CODE § 290.46;
 - viii. Conduct annual inspections of the pressure tanks, as required by 30 TEX. ADMIN. CODE § 290.46;
- c. Within 60 days after the effective date of this Order, Mr. Lines shall:
- i. Ensure that all electrical wiring at the well sites have been enclosed and securely mounted in a conduit, as required by 30 TEX. ADMIN. CODE § 290.46;
 - ii. Provide a raw water sampling tap for all wells, as required by 30 TEX. ADMIN. CODE § 290.41;
 - iii. Install flow measuring devices on each well, as required by 30 TEX. ADMIN. CODE § 290.41;
 - iv. Adopt an adequate service agreement which provides provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - v. Install a well casing eighteen inches above the finished floor on each well, as required by 30 TEX. ADMIN. CODE § 290.41;
 - vi. Provide each well with a concrete sealing block extending at least three feet from the exterior well casing in all directions, as required by 30 TEX. ADMIN. CODE § 290.41;
- d. Within 90 days after the effective date of this Order, Mr. Lines shall:

- i. Prepare and submit "as-built" plans and specifications describing the existing facilities as well as any proposed modifications to the TCEQ, Water Supply Division, Utility Technical Review Team, MC 153, as required by 30 TEX. ADMIN. CODE § 290.46. These plans and specifications shall be prepared by a Texas registered professional engineer and shall be maintained as a part of the Facility's records;
 - ii. Maintain on file and submit a copy of the well completion data for all wells, as required by 30 TEX. ADMIN. CODE §§ 290.41 and 290.46;
 - iii. Provide sanitary control easements for the wells, in accordance with 30 TEX. ADMIN. CODE § 290.41;
- e. Within 180 days after the effective date of this Order, provide adequate pressure tank capacity of 50 gallons per connection, as required by 30 TEX. ADMIN. CODE § 290.45; and
- f. Within 195 after the effective date of this Order, submit written certification as described below, and include detailed supporting documentation including a copy of water analysis, receipts, and/or other records to demonstrate compliance with Ordering Provisions Nos. 2.a. through 2.e.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Terry McMillan
Water Section Manager
El Paso Regional Office
Texas Commission on Environmental Quality
401 East Franklin Avenue, Suite 560
El Paso, Texas 79901-1206

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Mr. Lines. Mr. Lines is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Lines shall be made in writing to the Executive Director. Extensions are not effective until Mr. Lines receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Lines if the Executive Director determines that Mr. Lines has not complied with one or more of the terms or conditions in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF ROBERT R. MOSLEY

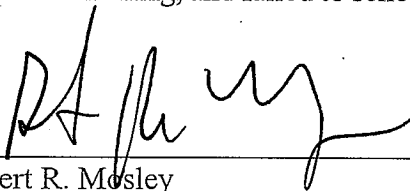
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

"My name is Robert R. Mosley. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Guss Lines dba Lines Cactus Grove Mobile Home Park" (the "EDPRP") with the Office of the Chief Clerk on June 28, 2006.

I sent the EDPRP to Mr. Lines at its his last known address on June 9, 2006 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card", Mr. Lines received notice of the EDPRP on June 11, 2006, as evidenced by the signature on the card.

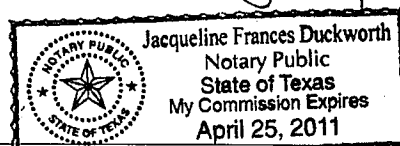
More than 20 days have elapsed since Mr. Lines received notice of the EDPRP. Mr. Lines failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference".



Robert R. Mosley
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Robert R. Mosley, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 15th day of July, A.D., 2008.



Notary Stamp

Notary Signature